

DETAILED ACTION

1. This communication is in response to the amendment filed on 09/20/2011.
Application No: 10/571,606.

Response to Amendments

2. An examiner's Response to the record appears below.
3. Examiner acknowledges that in view of the amendment filed, the amended claims are in condition for allowance.

Allowable Subject Matter

4. Claims 1-29 are allowed.
5. The following is an examiner's statement of reasons for allowance:
6. The reason for allowance is based on the remarks filed on 09/20/2011 and that prior arts of record fail to teach the limitations in combination with the underlined limitations listed in claim 1 and summarized below:

A method of managing a data buffer comprising a queue of consecutive segments of data packet segments in a base station system of a mobile communications system, comprising the steps of: said base station system comparing a size of a data packet segment with a size of a next consecutive data packet segment in said data buffer; said base station system identifying a complete data packet in-comprising at least said data packet segment and said next consecutive data packet segment based on said comparison of said size of said data packet segment and said

size of said next consecutive data packet segment; and said base station system discarding said identified complete data packet from said data buffer.

Applicant's independent claim 1 comprises a particular combination of elements, which is neither taught nor-suggested by prior art in combination of other limitation recited in claims 5, 9, 10 and 20.

The prior art of record

7. The cited reference fairly teaches In a mobile communication system in which a plurality of base stations are connected to a communication network via a packet transfer node and a transmission rate of a forward link radio channel between a base station and a mobile station dynamically changes, each of the base stations designates a packet transmission rate in accordance with the status of a radio channel of each of mobile stations under control for the packet transmission node, and the packet control node transfers packets destined for each of mobile stations to the base station at the designated transfer rate.

8. However cited references, alone or in any combination, neither discloses nor fairly suggests, specifically, comparing the size of a data packet segment with the size of a next consecutive data packet segment in the buffer, "identified complete data packet" from the buffer, discarding any identified complete data packet. Thus, even trying to combine multiple prior arts, which a person of ordinary skill would not have done, multiple elements of the independent claims are missing from the prior arts.

Conclusion

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahendra Patel whose telephone number is 571-270-7499. The examiner can normally be reached on 9:30 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2617

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/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617